

Thursday, May 5, 2011

Michigan Supreme Court
PO Box 30052
Lansing, MI 48900

Re: ADM File No. 2010-05

Dear Justices of the Court,

We are writing to you in support of changes to the Michigan Court Rules that were recommended to this Court by the Legislative Commission on Statutory Mandates in its December 31, 2009 report. We are familiar with the Commission's research and recommendations. A number of representatives of our organizations testified before the Commission to describe the impact unfunded mandates have had to our members. The harm that legislative and administrative unfunded mandates have caused is broad and deep, costing all school districts in the state substantial amounts of money in order to achieve compliance with the services that were mandated. These circumstances have existed for over the 32 years since the Headlee Amendment was adopted

The major barriers to effective Headlee Amendment relief include the current Michigan Court Rules. When local governments and school districts have challenged mandates under the Headlee Amendment, they often must endure drawn out court proceedings. Since the State of Michigan is so much better resourced and equipped to endure a long legal battle, there is little incentive for the State to pursue quick resolutions. To the contrary, the State has used various tactics in the suits to draw out proceedings while, at the same time, forcing local units to comply with costly mandates. As a result, many unfunded mandates have gone unchallenged despite legitimate and well-documented violations of the Amendment.

We ask that the Court consider adopting formal rules recommended by the Commission that will allow taxpayers of local units of government, including school districts, to challenge unfunded mandates directly through the Michigan Court of Appeals, utilizing a special master proceeding to expedite decisions in those challenges. Such changes to the court rules are both appropriate and consistent with accomplishing the objectives of the people of Michigan under the Headlee Amendment. From our perspective as associations of local units of government, which are supposed to be relieved of unfunded mandates, such changes would allow for much swifter and much less costly court proceedings where the Headlee Amendment has been ignored by state government.

We respectfully request that the Commission's recommendations for changes in the court rules be adopted.

Sincerely,

Michigan Association of School Administrators
Michigan Association of School Boards
Michigan School Business Officials
Middle Cities Education Association